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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO. |
|--|-------------|----------------------|-------------------------|------------------|
| 09/686,371   | 10/12/2000  | Takechi Funahashi    | Q61173                  | 4799             |
| 7590   | 01/02/2004  |                      | EXAMINER                |                  |
| SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC<br>2100 Pennsylvania Avenue, N.W.<br>Washington, DC 20037-3202 |             |                      | AZARIAN, SEYED H        |                  |
|  |             |                      | ART UNIT                | PAPER NUMBER     |
|  |             |                      | 2625                    |                  |
|  |             |                      | DATE MAILED: 01/02/2004 |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                  |                         |  |
|------------------------------|----------------------------------|-------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b>           | <b>Applicant(s)</b>     |  |
|                              | 09/686,371                       | FUNAHASHI, TAKESHI      |  |
|                              | <b>Examiner</b><br>Seyed Azarian | <b>Art Unit</b><br>2625 |  |

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 03 November 2003.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 8-11 is/are allowed.

6) Claim(s) 1-7, 12-20 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 12 October 2000 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

|  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____                                     |

## **FINAL ACTION**

### **RESPONSE TO AMENDMENT**

1. Applicant's amendment filed, 11/3/2002, has been entered and made of record.
2. Applicants' arguments with regards to Claims 1-7 and 12-20 have been fully considered but they are not persuasive.
3. Applicants' argues in essence that there is no teaching to "sending the image".

With respect to applicant's argument Examiner disagrees and indicates Funahashi teaches the following features Fig. 1A, column 8, lines 21-40, it provides read-out means for carrying out a read-out operation wherein a radiation image is read out and image signal representing said radiation image.

And furthermore in response to applicant's argument, limitation in amended claim, "unnecessary image" Funahashi teaches column 9, lines 31-47, where it is judged by judgment region being selected from among the plurality of region on recording medium and desired image signal range including mean-value are designated with second input and column 9, line 59 through column 10, lines 8, only the information about use of region selecting mode is necessary before the preliminary readout is carried out.

And finally column 11, lines 18-41, during read-out operation is displayed on the display means. The mean value operation region is selected on the basis of the displayed image designated. Therefore, even an object image was recorded at a position different from an

intended position on the recording medium, a correct mean value-operating region can be designated.

### **Claim Rejections - 35 USC § 103**

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7 and 12-20, are rejected under 35 U.S.C. 103(a) as being unpatentable over Funahashi et al (U.S. patent 4,994,662) in view of Takeo (U.S. patent 5,796,870).

Regarding claim 1, Funahashi et al discloses radiation image read-out apparatus and method for operating the same, comprising; an image sending apparatus for sending an image input from an external apparatus to a predetermined addressee, the image sending apparatus comprising (Fig. 12, column 12, lines 48-56, image has been stored is placed at a predetermined position);

display means for displaying the image having been input (column 13, line 58 through column 13, line 2, display an image represented by the preliminary read-out image); transmission means for sending the image (Fig. 1, column 6, lines 17-24, image read-out);

unnecessary image designating means for enabling designation of the image displayed on the display means as an unnecessary image (column 14, lines 20-35, operator can view the image

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display on the CRT display device and judge whether or not the image was stored on the stimulable phosphor sheet (refer to unnecessary image)).

However Funahashi et al is silent about “transmission control not to send unnecessary image”. On the other hand Takeo in the same field of radiograph teaches column 19, lines 48-57, image signal values corresponding to an image portion representing an unnecessary tissue in the image.

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made, to modify Funahashi et al invention according to the teaching of Takeo because it provides morphology operation corresponding to unsharp mask signal or occurrence of density blurring in the vicinity of the image which can be reduced and eliminate to save time and achieves accuracy.

Regarding claim 2, Funahashi et al discloses an image sending apparatus, wherein the unnecessary image designating means carries out the designation of the unnecessary image by moving display of accompanying information of the image to an unnecessary image list on the display means (column 14, lines 3-17, judgment is made to whether the mode of adjusting the read out and played on the CRT display).

Regarding claim 3, Funahashi et al discloses a n image sending apparatus, wherein the transmission control means controls the transmission means so as not to send an image having medical examination information, which is the same as medical examination information of the image having been designated as the unnecessary image (column 14, lines 3-18, judging for selected region).

Regarding claim 4, Funahashi et al discloses an image sending apparatus, wherein the image having been designated as the unnecessary image is automatically deleted after a predetermined time has elapsed (column 7, lines 15-31, refer to time).

Regarding claim 6, Funahashi et al discloses an image transmission information display apparatus for displaying transmission information on a display screen for confirmation of a transmission status of a medical image to be sent to one or more addressees, (column 12, lines 19-56, preliminary read-out which carries out a preliminary readout by scanning).

The image transmission information display apparatus comprising: image list display control means for displaying an image list on the screen (column 16, lines 36-52 detecting and receiving reading light also column 14, lines 20-35, operator can view the image display on the CRT display device and judge whether or not the image was stored on the stimulable phosphor sheet).

Transmission completion detection means for outputting a transmission completion signal by detecting normal completion of transmission of the medical image to all the addressees; and transmission completion display control means for displaying, in an information display area of the image in the image list, a transmission completion status indicating the normal completion of the transmission of the medical image to all the addressees by receiving the transmission completion signal (column 13, line 58 through column 13, line 2, display an image represented by the preliminary read-out image and Fig. 12, column 12, lines 48-56, image has been stored is placed at a predetermined position also column 6, lines 17-24, image read-out).

Regarding claim 12, Funahashi et al discloses the image sending apparatus, wherein the display means an unnecessary image list display area (column 14, lines 3-14, judgment is made as to preliminary read-out image signal is or is not the region selected).

Regarding claim 13, Funahashi et al discloses the image sending apparatus, wherein the screen further includes a thumbnail image display (Fig. 3, column 3, lines 60-68, a plurality of mean value operating region).

Regarding claim 15, Funahashi et al discloses the image sending apparatus, wherein the transmission means send the image to the predetermined addressee from among plurality of addressees (column 11, lines 18-41, during read-out operation is displayed on the display means. The mean value operation region is selected on the basis of the displayed image designated).

Regarding claim 19, Funahashi et al discloses the apparatus, wherein the plurality of addressees are interconnected by a network (column 16, lines 36-52 detecting and receiving reading light also column 14, lines 20-35, operator can view the image display on the CRT display device and judge whether or not the image was stored on the stimulable phosphor sheet).

Regarding claim 5, recite similar limitation as claim 1 and is similarly analyzed.

Regarding claim 7, recite similar limitation as claim 6 is similarly analyzed.

Regarding claims 14, 16-18 and 20, recite similar limitation as claims 1, 12 and 13, are similarly analyzed.

## Allowable claims

6. The following is an examiner's statement of reasons for allowance.

The claim 8, is allowable due to transmission processing end display control means for displaying, in an information display area of the image in the image list, a transmission processing of the image to all the addresses by receiving the transmission processing end signal; and transmission completion display control means for displaying, in an information display area of the image in the image list, a transmission completion status indicating the normal completion of the transmission.

These key features in combination with the other features of the claimed invention are neither taught nor suggested by the art of record.

Thus claims 9-11 is allowable.

### **Conclusion**

7. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seyed Azarian whose telephone number is (703) 306-5907. The examiner can normally be reached on Monday through Thursday from 6:00 a.m. to 7:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached at (703) 308-5246.

**Any response to this action should be mailed to:**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**Or faxed to:**

(703) 872-9306, (*informal* or *draft* communications, should be clearly labeled to expedite delivery to examiner).

**Hand delivered responses** should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to T.C. customer service office whose telephone number is (703) 306-0377.

Seyed Azarian

Patent Examiner

Group Art Unit 2625

December 22, 2003



Jayanti K. Patel  
Primary Examiner

